SCIENCE & GOVERNMENT REPORT

The Independent Bulletin of Science Policy

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DNA Research Curbs: Compromise at Cambridge

Cambridge, Mass. The dispute over recombinant DNA research at Harvard and MIT, which has split the scientific community here and prompted the City Council to impose a temporary ban on some uses of the genetic engineering technique in the city (SGR Vol. VI, No. 13), has moved an important step toward resolution.

On January 5, two days before the moratorium was to expire, a committee of Cambridge residents recommended that the ban be lifted. But the committee also recommended that recombinant DNA research in the city be placed under strict safety controls and that a citizens' review panel be established to keep an eye on it.

Though it is far from certain that the Council will accept all the committee's recommendations — its immediate response was to extend the moratorium for another 30 days to give the matter more study — the committee's careful analysis and conclusions are likely to have an impact beyond the Cambridge city limits.

House Cuts Authority From Atomic Committee—See Page 3

If they are implemented, the recommendations would place some recombinant DNA research in Cambridge under safety controls which are stricter than those imposed on similar research elsewhere, and they would also establish a novel system of community control over basic research. For those reasons, the recommendations have received a mixed reaction from supporters and opponents of the research.

The Cambridge dispute erupted early last summer over plans to construct a special safety laboratory at Harvard in which some recombinant DNA experiments would be performed. (MIT already has a similar safety facility, primarily for work on tumor viruses, which was also planned to be used for recombinant DNA research.) The dispute swiftly became an important factor in the national and international debate over the risks associated with recombinant DNA research.

Since the research involves transplanting genes from disparate species into living viruses and bacteria, it could conceivably produce novel strains of organisms which might present a health hazard if they were to escape and survive in the general environment. A committee of scientists, under the auspices of the National Academy of Sciences, went public with such concerns in July 1974, and the National Institutes of Health established a committee of scientists to draft guidelines to ensure that recombinant DNA experiments are carried out safely.

Published last June after months of debate, the guidelines essentially grade recombinant DNA experiments according to potential risk and define four levels of physical containment, designated P1 to P4, to be used in the research. Experiments considered to carry little risk are assigned to P1 containment, while those which may entail moderate risks are assigned to P3 or P4 laboratories. In addition, the guidelines specify that some types of experiments can be performed only on crippled strains of organisms which have been rendered virtually incapable of surviving in the general environment.

Just as NIH was putting the final touches to the guidelines, a dispute broke out at Harvard over plans to construct a facility which, according to the NIH guide-

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In Brief

Harley M. Dirks, widely regarded as Capitol Hill's most powerful staff aide on health-related legislation, has left the Senate to join the Congressional Relations Department of the American Medical Association. Dirks, who wrote the scripts for the doddering Senator Warren G. Magnuson (D-Wash.), chairman of the Labor-HEW Appropriations Subcommittee, exceeded even Congress's broad boundries of belief last year when he issued a multi-set volumes of "hearings" based on pasted-up statements rather than the utterances of live witnesses.

Ted Cooper, HEW Assistant Secretary for Health, was never the least bit shy in indicating that he'd like to stay on with the Carter Administration, and there was a slight chance that he might have made it. But the swine flu debacle clinched the matter, and he's definitely on the way out. His successor has not been named.

The Arab League Educational Cultural and Scientific Organization (ALECSCO) has approved creation of a $500-million fund to sponsor research, training, and the establishment of scientific centers in the Arab nations. A key figure in planning the program is Mohamed A.F. El-Kassas, ALECSCO director general for science and professor of botany at the University of Cairo.

. . . Job Entrusted to Group of Non-Scientists

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lines, would rank as a P3 laboratory. Opponents argued that recombinant DNA research considered risky enough to require a P3 facility should not be conducted in a densely populated city like Cambridge; proponents of the research argued that the risks of anything untoward arising from the research can be reduced to negligible levels.

The dispute reached the City Council when it was reported in a local "alternative" newspaper. The city's Mayor, Alfred E. Vellucci, has made considerable political capital in the past by attacking Harvard and MIT (which are mostly tax-exempt institutions and therefore contribute less than their fair share to the city's coffers) and he seized upon the recombinant DNA dispute. He called two extraordinary Council meetings to discuss the concerns of opponents of the research, as a result of which the Council voted to impose a moratorium on P3 and P4 level experiments in Cambridge while a special citizens' committee examined the issues.

The committee, chaired by former Cambridge Mayor Dan Hayes, contained no scientists from either university. It was the first non-scientific group to conduct a thorough examination of the recombinant DNA debate, and its findings are therefore of more than passing interest.

The committee reached the unanimous conclusion that P3 level recombinant DNA research should be permitted in Cambridge under certain conditions. (Since no P4 laboratories are planned in the city, it made no comment on P4 level experiments). It recommended, for example, that all P3 experiments should be conducted on crippled micro-organisms, that laboratory workers should receive special training and that technicians and persons from outside the universities should be represented on the Harvard and MIT biohazards committees.

Two of the committee's recommendations are particularly noteworthy. First, it recommends that the universities should establish a mechanism to monitor for the escape of genetically modified micro-organisms from the laboratory. That would entail monitoring the health of laboratory workers and looking for laboratory micro-organisms in the feces of lab personnel.

Second, the committee recommends that a review board, to be called the Cambridge Biohazards Committee (CBC), be established to oversee all recombinant DNA research in the city. Composed entirely of people who have no affiliations with the universities, the board would ensure that the research is performed in compliance both with the NIH guidelines and with the extra restrictions recommended by the committee. The CBC would also "develop a procedure for members of institutions where the research is carried on to report to the CBC violations either in technique or established policy." If established, the CBC would represent an unprecedented mechanism through which scientists would be accountable to the local community.

The committee's recommendations have won qualified praise from proponents of the research, and some praise from opponents. Though the restrictions would be more burdensome than those specified in the NIH guidelines, the committee has at least decided that the research can be conducted safely in Cambridge.

It should be noted, however, that the committee was asked to consider only P3 level experiments, and it was therefore not asked to second-guess the ranking of experiments in the NIH guidelines — a matter which has raised considerable dispute. Moreover, the committee considered only the potential health hazards associated with recombinant DNA experiments, steering clear of such ethical considerations as whether the research might lead to potentially undesirable applications. Opponents of the research are therefore suggesting that the committee's study did not constitute a complete review of safety considerations or of the reasons for and against proceeding with the research.

The matter is now back in the hands of the City Council. When the committee presented its report on January 5, the Council voted to extend the moratorium on P3 research until February 4 to hear responses from the universities and to decide whether the recommendations should be implemented. There is sure to be a fight over the report within the Council.

Last week, before the Council meeting, Vellucci said he disagrees with the recommendation that the moratorium should be lifted, Later, he announced that he will propose a resolution banning all P3 and P4 level recombinant DNA research in Cambridge, and making researchers who defy the ban liable to a fine of $1000 per day. Though it is not entirely clear how the other Council members will vote on the matter, it is generally

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Edward David Sets up Own Firm

Edward E. David Jr., former White House science adviser, has resigned as executive vice president of Gould, Inc., a Chicago-headquartered manufacturing firm, to establish his own consulting firm, which will be located in Chicago. The change is effective February 15. David, a former Bell Labs researcher and executive, is a member of several high-level government advisory committees, and became president-elect of the American Association for the Advancement of Science on January 1.

Joint Committee Loses Nuclear Jurisdiction

When the House of Representatives reconvened on January 4, one of its first acts was to approve, as expected, a proposal to strip the Joint Committee on Atomic Energy (JCAE) of its legislative powers, and to disperse authority on nuclear matters to four different House committees. The move, though long overdue, has resulted in a confusing division of Congressional responsibility for nuclear regulatory matters, and it has left the JCAE in a state of limbo.

The division of the JCAE's responsibility, which was first approved by the House Democratic Caucus last month, consigns responsibility for nuclear research and development, including fusion research and high energy physics, to the House Committee on Science and Technology. Jurisdiction over nuclear export matters will go to the Committee on International Relations. Responsibility for nuclear regulation will be vested chiefly in the House Interior Committee, though the Commerce Committee will also get a piece of that subject.

According to a memorandum of understanding worked out between senior members of the Commerce and Interior committees, the Interior Committee will have jurisdiction over the regulation of nuclear reactors, waste disposal, and nuclear fuel fabrication, reprocessing and transportation, and regulatory research. The Commerce Committee, which already has jurisdiction over pollution control and toxic substances regulation, will now have authority to "examine the public health and environmental effects of nuclear power." It will also have "special oversight jurisdiction over all laws, programs and government activities relating to nuclear energy." The memorandum recognizes that the two jurisdictions "may overlap to some extent."

It should be noted that the new chairman of the House Interior Committee, Morris Udall, has expressed reservations about nuclear energy on several occasions. The assignment of nuclear regulatory responsibilities to his Committee will place him in a position of some power over the nuclear program.

The move to strip the JCAE of its responsibilities in the House, which is also likely to take place in the Senate, has left the Committee in a strange situation. Since the Committee was established by statute, it will require an Act of Congress to abolish it, and until such legislation is passed, the JCAE will be in the position of having legal status but no authority.

DNA

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expected that Vellucci's resolution will not be passed and that the bulk of the committee's recommendations will be accepted.

An important aspect of the dispute in Cambridge is that several other local and state governments are beginning to take a close look at controls over recombinant DNA research in their jurisdictions. The State Attorney General's office in New York has already conducted some public hearings (SGR Vol. VI, No. 19), and it is considering proposing regulations governing the conduct of research in that state. The fact that a committee of non-scientists in Cambridge has recommended that the research be permitted, though under increased safety controls, is likely to prove influential.

Finally, it should be noted that the committee did a superb job in tackling an extremely complex scientific issue. Its report is clearly based on a thorough understanding of the facts and the committee members acquitted themselves well in answering questions on the report at the January 5 Council meeting. If nothing else, the dispute in Cambridge has provided strong support for the view that non-scientists are capable of making political judgments on complex scientific and technical matters.—CN

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Contributing Editors
Colin Norman, Pamela Moore

Editor and Publisher
Daniel S. Greenberg
European Correspondent
Michael Kenward (London)

Circulation Manager
Alice Anne Freund

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Anti-Nuclear Movement Scores Key Win in UK

London. Britain's hopes for a sizeable share of the growing world market for reprocessing irradiated nuclear fuel from commercial power stations received a setback just before Christmas when Environmental Secretary Peter Shore delayed plans to build a new reprocessing plant at the Windscale establishment of British Nuclear Fuels Limited (BNFL). Not only did Shore's move dim the country's only bright prospect for earning foreign currency from the nuclear business; it was also the first blood drawn by the country's growing anti-nuclear movement.

France, West Germany, and Sweden have seen growing opposition to nuclear power, opposition that has led to occupations of proposed power station sites in France and West Germany and contributed to the downfall of a Swedish government that had been in power for 44 years. Until now, however, Britain's anti-nuclear movement has been vociferous but ineffective, with much of the conflict over the country's nuclear program mainly involving industry and politicians (SGR. Vol. VI, No. 14).

European Report

In West Germany the movement against nuclear power is similar to that in the United States, with much of the controversy focused on reactor safety and social desirability of growth. The French anti-nuclear movement is more overtly political, with leftwing groups allying themselves to the environmentalists' cause because this is yet another way of attacking the establishment.

The West German government has been less wholehearted in its support of nuclear power than the French government, which at times has been so enthusiastic that it has ignored all criticism. In contrast, the West German government has encouraged a public debate on nuclear power through a series of publications and public meetings. In Britain, on the other hand, Energy Secretary Tony Benn has talked a lot about a public debate but has done little to make such a debate possible. In France there has been a limited disussion of the desirability of the proposed massive nuclear power program, but the French Atomic Energy Commission has been the dominant force in establishing national policy rather than the politicians.

With Britain's nuclear power station program at a standstill the plans of the state-owned nuclear fuel company, BNFL, to expand Windscale's reprocessing facilities and the fast reactor development program are the only real targets for the country's anti-nuclear movement. Reprocessing technology has recently become a central issue in different countries for various reasons: in Britain it is seen as the Achilles' heel of nuclear power; in the US the business is in a state of suspended animation; and in France and West Germany plans to export reprocessing technology have brought a great deal of international criticism, particularly from the US, on the grounds that this trade could lead to the spread of nuclear weapons.

In other countries, such as Sweden and Japan, there is opposition to the expansion of nuclear power before the electricity utilities have made arrangements for reprocessing irradiated fuel and disposing of the highly active wastes produced by nuclear power. Reprocessing and waste management are now the "missing links" in the nuclear fuel cycle, hence the incentive either to sell reprocessing technology or to reprocess fuel on behalf of other countries.

In December, both France and West Germany announced that they will not export nuclear technologies, including reprocessing plants, that could spread the ability to make nuclear weapons, despite their having reached separate agreements with Pakistan and Brazil for the export of reprocessing technology. Britain has adopted a different approach: It is offering reprocessing facilities at Windscale — for more than a year BNFL has been negotiating a large contract with Japan and it is also negotiating with Sweden and West

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Judge Dismisses Proxmire Suit

A federal judge has dismissed a $6-million suit brought against Senator William Proxmire (D-Wisc.) and a staff assistant by a Michigan researcher who claimed he was libeled in 1975 by remarks in a citation accompanying a "Golden Fleece" award that the Senator bestowed upon several federal agencies (SGR Vol. VI, No. 8).

The awards, which the Senator makes monthly for alleged wastefulness by government agencies, accused William Hutchinson, former director of research at Kalamazoo State Mental Hospital, of squandering federal funds in a research project that utilized monkeys to study responses to stress. In announcing the award to Hutchinson's supporters — NASA, NSF, and the Office of Naval Research — Proxmire stated, "The good doctor has made a fortune from his monkeys and in the process has made a monkey out of the American taxpayer."

The judge said he will later issue an explanation for the dismissal.

. . . Candor Policy Brings Rash of Reports

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Germany, among others. These plans have now been hit by Shore's unwelcome Christmas present to BNFL.

BNFL wants to build new facilities to reprocess metallic uranium fuel from Magnox reactors in Britain and abroad, as well as a new reprocessing plant to handle the uranium oxide fuels used in Britain's new Advanced Gas Cooled reactors (now coming on line) and the light water reactors that dominate the world reactor market. The third part of BNFL's plan is the construction of a commercial scale plant for the solidification of the highly active liquid wastes produced during reprocessing. Shore has said that he will approve construction of the Magnox fuel reprocessing plant and the waste solidification plant, but that the oxide plant cannot be built before there has been a public inquiry.

BNFL expects to spend about $1 billion on its expansion program. Half of this money would be spent on the oxide plant, and half of the cost of this plant would come from Japan as an advance payment for reprocessing that country's oxide fuel. Shore's announcement was criticized by Members of Parliament who fear that the delay in building the new plant could lose the foreign contracts that BNFL is negotiating. However, it is not clear just who might pick up the work, given the current chaos in the reprocessing business. The US shows little sign of entering the world market; and France, West Germany, and the United Kingdom are partners in United Reprocessors Ltd., which aims to coordinate investment programs and share any work that comes along.

Shore was under heavy pressure from other government departments to approve BNFL's plans — particularly the Treasury, and the trade, industry, and energy departments, which are keen to see the company earning foreign currency.

The case for delaying BNFL's construction was strengthened when Energy Secretary Tony Benn revealed last month that in October, BNFL had found a leak of water contaminated with radioactivity at Windscale. The leak — from a silo containing contaminated fuel cladding stored under water — was not serious; it posed no danger to workers on the site, but there was concern that it took two months for news of this incident to reach the public.

From BNFL's point of view the leak could not have come at a worse time. When it was found, Cumbria County Council was considering BNFL's request for permission to expand the Windscale plant. The County Council was ignorant of the leak and gave the go-ahead for the new facilities, but Shore stepped in at the last minute after not one, but a series of leaks of radioactivity, came to light.

Until recently only those radiation incidents judged by the Nuclear Installations Inspectorate — the British equivalent of the Nuclear Regulatory Commission and the organization responsible for policing the country's nuclear establishments — were reported to the Department of Energy, which is the government department responsible for BNFL. Benn has now ordered that he be kept informed of any radiation leak. Since he gave this order, Britain has had almost daily news of a radiation leak of some sort: all have been minor — a dead cat in a remote part of a reactor, a contaminated fuel transport cask, and tritium contamination of the beach near Windscale, on top of the original leak — but all have fuelled the anti-nuclear campaign.

Reprocessing has moved to the center of the nuclear controversy in Britain because safeguarding plutonium is now the focus of the campaign against nuclear power. This attention has been increased by the recent report of the Royal Commission on Environmental Pollution (SGR Vol. VI, No. 17) and another important decision facing the British government — the fast reactor program, which also depends on the existence of a large reprocessing capacity. An attack on BNFL's reprocessing plans is, therefore, seen as an attack on the heart of the country's nuclear future.—MK

Carter Team Weighs Merger Of Science, Communications Offices

Among the White House reorganization proposals under discussion in the Carter transition team is a plan to merge the Office of Telecommunications Policy with the Office of Science and Technology Policy. Vince McRae, an IBM employee who was formerly on the staff of the now-defunct President's Science Advisory Committee, has been acting as a part-time consultant to the transition team on White House science policy arrangements. Meanwhile, silence prevails on Carter's choice for presidential science adviser. Several names keep coming up in speculation, but the science office still ranks low in planning for the new Administration and is yet to receive serious attention from Carter and his top associates.

Science Chief for Aging Agency

The National Institute on Aging, which got off to a slow and shaky start after Congress established it in 1974 (SGR Vol. V, No. 13), now has a full-time Scientific Director, Nathan W. Shock, a 70-year old gerontologist who has been in charge of NIH's Gerontology Research Center in Baltimore since it was established in 1941.

Letters to the Editor: Remarks on "Dear Jimmy"

Dear Editor:

Reference your message of December 1, 1976. It was great! Maybe I should have said "erode" and let it go at that [a reference to Dr. Agnew's assertion, in a statement to the National Science Board, that government red tape will "completely eradicate" US technical leadership.] But each day when I have to sweet talk our technical people into filling out all the forms, justifications, production, and status reports I feel that I may have actually understated what is going to happen. In any event from the scowls I've gotten from the "Bureaucracy" they got the message and maybe Mr. Carter will pass the word before its too late.

Sincerely,
H.M. Agnew, Director
Los Alamos Scientific Laboratory
Los Alamos, New Mexico

Dear Editor:

That was a dandy letter to the press (SGR, Dec. 1, 1976) . . . some truths, even more flummery. The Academy? — it has it good moments too. The Nobel syndrome? — partly right on, as well you know. The Cosmos Club (never heard of it) . . . right on!

Money? — it's not the amount, but how it is spent. As you know the R&D budget figure is large, but mostly for the military.

Now how about a letter on the important problem, the anti-intellectualism/know-nothingness (attitudes evident in your letter) which pose a real threat to free inquiry. The question . . . to what extent should the People support the native curiosity of scientists who may find something significant about the nature of it all?

By all means, let's get rid of scientific and other puffery. Keep sticking those pins. But what do you believe in? That's the letter I'm awaiting.

Happy new year,
Norman M. Weinberger
Professor and Chairman
(Establishment Scientist?)
Department of Psychobiology
University of California, Irvine

Dear Editor:

I had been mulling over ways of getting some thoughts similar to your "Dear Jimmy" thoughts circulating. I have, at most, minor disagreements with the direct message of your "advice for a new president."

I wonder, though, whether the flip way in which it was written does not have the danger of some difficult repercussions.

I would worry that those in government who read it might resonate more to the attitudes than to the conclusions. Just as an example, I agree with you that it is ludicrous for Harold Agnew to say that anything is going to "completely eradicate" research and technology. On the other hand, on dismissing that statement as ludicrous, it is easy to dismiss a hidden message which may not be ludicrous, namely that government red tape is already enormously hampering, not just in science but the entire spectrum of activities in which individuals interact with the government. It is getting worse very fast. As another example, the attention that you draw to the manipulation of the Academy by the bureaucracy may be lost in the laughter at the picture of such an august organization allowing itself to be manipulated.

These are not minor cavils, but on the other hand they do not indicate any kind of generalized dissatisfaction with your various messages in *Science & Government Report* and elsewhere. I believe it *is* important to maintain a sense of humor and objectivity and point out these over-reactions that are so rampant in the scientific community.

Sincerely,
Rolla B. Hill, Jr., M.D.
Professor and Chairman
College of Medicine
Department of Pathology
State University of New York
Upstate Medical Center
Syracuse, New York

In Print

A Scientist at the White House, The Private Diary of President Eisenhower's Special Assistant for Science and Technology, by George B. Kistiakowsky. Based on a private journal that he kept during 18 months as Eisenhower's science adviser, Kistiakowsky provides a fascinating account of the intersection of science and politics during the formative period of the White House science office. No secrets are revealed, but the author nicely conveys the complexities — and some absurdities — of decisionmaking in the federal labyrinth, particularly in regard to weapons decisions. (448 pages, $15, Harvard University University Press).

UK Society Assumes Low-Key Role on Scientists' Rights

Though the National Academy of Sciences announced last year that it is prepared, when the occasion demands, to speak out publicly against individual infringements of scientific freedom (SGR Vol. VI, No. 8), the Royal Society of London has no intention of taking such an aggressive stand. That much is evident from a curious address delivered by Royal Society President Lord Todd at that august body's recent annual meeting.

Though Todd spent much of his address noting that violations of the rights of scientists abound, even suggesting that "the danger of interference on political grounds with the free flow of scientific information. . .may indeed be increasing," he argued that the Royal Society can do more good by making private representations "than it can by subscribing to or issuing public declarations."

Todd argued that "it must be recognized that a scientist, as such , is in the same position as any other citizen of his country, subject to the same laws and having the same obligations to the society in which he lives. His profession does not entitle him to special privileges which are denied to his fellow citizens; nor should it deny to him those privileges which are the right of every man." Todd concluded that individual incidents of political repression of scientists fall outside the concerns of the Royal Society since "it is hard to see in what way the Royal Society can occupy a special position in the matter of human rights in general."

Since the Royal Society has not issued public protests about infringements of scientific freedom in the past, Todd's remarks do not indicate any change of policy. (In fact, according to officials in the National Academy of Sciences, Royal Society officials even expressed alarm when the Academy issued its public protest over the harrassment of Soviet physicist Andrei Sakharov.) But they have disappointed some observers who were hoping that Todd might steer that staid institution into a more active role.

Jeremy J. Stone, Director of the Federation of American Scientists, who has been among the most outspoken critics of the Academy's timidity in speaking out on past occasions, said last month that Todd's remarks were "confusing and superficial on a matter of sustained importance." The Royal Society, Stone suggested, "is no exception amongst scientific institutions in failing to analyze its obligation to the international scientific community with the same care and thoroughness with which it would approach a scientific problem."

Stone also observed that the Royal Society's charter states that the institution should be a "universal lover and patron of every kind of truth," a charge which, he argues, provides ample justification for action by the Royal Society to defend freedom of scientific inquiry.

But perhaps the most curious aspect of Todd's address was the fact that he promised that the Royal Society would "continue to draw the attention of the Soviet Academy of Sciences or the corresponding body in any other country concerned, as well as our own government, to the facts and to the need for action," a statement which acknowledges that the Society does have a legitimate role to play. Then, by publicly stating that the Royal Society's private negotiations are not backed by the threat of any stronger form of protest, Todd managed to reduce their effectiveness.

News Notes: Senate Reorganization, NRC, Science Board

Those controversial proposals to overhaul the Senate committee system and realign committee jurisdictions (SGR Vol. VI, No. 19) have been consigned to the Senate Rules Committee for further study and are expected to be voted on this month.

Though their final form is still subject to considerable behind-the-scenes negotiations, sources say that an understanding has been worked out to consolidate most scientific matters in an expanded Commerce Committee — as proposed in the original overhaul plan — but to place responsibility for the National Science Foundation in an expanded Labor and Public Welfare committee.

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Saul Levine, a longtime employee of the Nuclear Regulatory Commission (NRC) and its predecessor, the Atomic Energy Commission, has been named Director of NRC's Office of Regulatory Research.

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In keeping with the spirit of the Government in the Sunshine Act, which formally takes effect in March, the National Science Board will open part of its February meeting to the public. The open session, which will include discussion of the National Science Foundation's trouble-plagued science education program and the Kennedy-inspired Science for Citizens program, will take place on February 3 at 1 pm in the NSF Board Room, 1800 G St., NW, Washington, DC 20550.

EPA Takes Step to Aid Public Interest Groups

The Environmental Protection Agency (EPA) is moving closer toward establishing a scheme to provide financial aid to groups which take part in its regulatory proceedings. In a statement published in the January 7 *Federal Register,* EPA Administrator Russell Train noted that public interest groups have often made valuable contributions to EPA's regulations, and he argued that the agency probably has authority under existing statutes to assist such groups when their participation may be inhibited by lack of funds.

The statement, which is designed to solicit public comments, stands in marked contrast to a recent ruling by the Nuclear Regulatory Commission (NRC), which claimed that it lacks authority to provide financial support to intervenors in most of its rulemaking activities (SGR Vol. VI, No. 20).

The legalities of providing assistance to public interest groups from agency funds are admittedly fuzzy. In February last year, the Comptroller General ruled that NRC has authority to provide assistance only if it "cannot make the required determination unless it extends financial assistance to certain interested parties who require it, and whose participation is essential to dispose of the matter before it." NRC argued that though intervenors are often helpful, they are rarely essential for the resolution of safety questions and it therefore declined to establish a general aid scheme.

Train, in contrast, has interpreted the Comptroller General's ruling more liberally. "EPA does not believe the Comptroller General means that funding is only authorized where without it the agency will be unable to make any decision at all," Train stated. "Such tests are not the measure of the Agency's responsibilities under its statutes. EPA's responsibility is rather to make the best decision possible within the time and resources available, and we believe it follows from this standard that EPA is authorized to fund participation whenever the funded participation, in EPA's judgment, is 'necessary' or 'essential' to that result."

Such an interpretation could result in the provision of aid to groups which participate in a broad range of EPA's activities. Since most environmentalists organizations are chronically underfunded, such funds would provide a small but welcome counterweight to the resources which industry can bring to bear in regulatory proceedings.

There is, however, at least one area of EPA's activities where cash aid to intervenors is guaranteed. The recently-enacted Toxic Substances Control Act contains specific authorization for aid to financially hard-pressed groups which participate in establishing toxic substances regulations.

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